

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

noted  
VB 9/21/98

Applicant: David E. Wilson  
Serial No.: 08/818,717  
Filed: March 14, 1997  
For: IMPROVED GRAIN DRILL WITH ACCURATE  
METERING OF THE RATE OF PLANTING OF SEED  
Group: 3616  
Examiner: V. Batson

**DECLARATION OF DAVID E. WILSON  
PURSUANT TO 37 C.F.R. §131 AND 28 U.S.C. §1746**

Assistant Commissioner  
for Patents  
Washington, D. C. 20231

Sir:

(1) I, David E. Wilson, declare I am the sole inventor of the claimed subject matter of the above-referenced patent application and that at least the subject matter of claims 1, 2, 14, 15, 27, 29, 30, 39 and 40, was reduced to practice before the November-December 1996 publication in Vol. 20, No. 6, of "FARM SHOW" which, on page 3, contains an article, "Drill 'Weigh Scale' for Planting Beans", describing an electronic weight scale which is described therein as being developed by Ken Von Muenster.

(2) Before November-December 1996, I conceived, reduced to practice, and sold to my neighbor, Mr. Steve Schoettmer, of Greensburg, Indiana, who is in the agricultural business as a farmer, a support and a weight display for retrofitting to

a John Deere grain drill, which I retrofitted to Mr. Schoettmer's grain drill to produce a grain drill in accordance with claims 1, 2, 14, 15, 27, 29, 30, 39 and 40. The aforementioned retrofit to Mr. Schoettmer's grain drill accurately weighed the contents of its seed hopper.

(3) Attached hereto as Exhibit A is a cancelled check from Mr. Schoettmer's agricultural business in the amount of \$2,000.00 which beside the legend "For" states "Scale for Drill". I have caused the date of the check, which is before November 1996, to be masked to hold confidential the actual date of the sale of the "Scale for Drill" to Mr. Schoettmer's business. The date of this sale is less than one year before the filing date of March 14, 1997 of my patent application.

(4) The "Scale for Drill" which was sold to Mr. Schoettmer which I retrofitted to Mr. Schoettmer's grain drill resulted in a grain drill as described in the specification of my patent application and as illustrated in Figs. 4-8.

(5) Attached hereto as Exhibit B is a photograph of Mr. Schoettmer's grain drill in use retrofitted with the "Scale for Drill" which I sold to him.

(6) Attached hereto as Exhibit C is a photograph of Mr. Schoettmer's grain drill retrofitted with the "Scale for Drill", viewed from the rear, which illustrates the weight scale corresponding to the display 64 of Fig. 8.

(7) Attached hereto as Exhibit D is a photograph of Mr. Schoettmer and his son standing in front of the rear of the grain drill retrofitted with the "Scale for Drill" which I sold to Mr. Schoettmer. While it is not visible in Exhibit E, the hopper contained seed grain and the weight display read its weight as being -1,019 lbs which I recorded. Mr. Schoettmer chose to display the actual weight of the seed in the hopper as a negative number by manipulation of the controls of the weight display which causes the weight of the seed in the hopper to be displayed as less negative weight as planting continues.

(8) Attached hereto as Exhibit E is a photograph of Mr. Schoettmer sitting to the right on top of the hopper of the grain drill retrofitted with the "Scale for Drill" which I sold to him. The weight display of Exhibit C is shown in further detail in front of the right foot of Mr. Schoettmer and in front of the left foot of Mr. Schoettmer's son, Scott. While it is not visible in Exhibit D, the weight display reads the combined weight of Mr. Schoettmer and his son, Scott, to be -553 lbs which I recorded. The displayed weight is the difference between the aforementioned -1,019 lbs., which is the weight of seed in the hopper, and the actual weight of Mr. Schoettmer and his son, namely -553 lbs. This display means the combined weight of Mr. Schoettmer and his son is the difference between -1,019 lbs. and -553 lbs. which is 446 lbs.

(9) Attached hereto as Exhibit F is a photograph of Mr. Schoettmer and his son standing in front of the end of the grain drill retrofitted with the "Scale for Drill" which I sold to Mr. Schoettmer. The subject matter of Figs. 4 and 9 of my patent application, which is not visible, is located behind the elongated green plate which is held in place with bolts on the ends thereof.

(10) Attached hereto as Exhibit G is a photograph of Mr. Schoettmer and his son standing in front of the end of the grain drill retrofitted with the "Scale for Drill" which I sold to Mr. Schoettmer. The green plate has been removed to reveal the structure of Figs. 4 and 9 of my patent application.

(11) I know from my personal knowledge that the "Scale for Drill", which I sold to Mr. Schoettmer, operated in accordance with the description of my patent application to accurately weigh the contents of the seed hopper as is illustrated by Exhibits D and E from the time of its purchase.

I declare under the penalty of perjury that the foregoing is true and correct.

June 24, 1998  
Date

David E. Wilson  
David E. Wilson

Exhibit A

S & A SCHOETTNER INC

GREENSBURG IN 47240  
PH (812) 883-4035

2450

8-2/110

PAY  
TO THE  
ORDER OF

*David Wilson*  
*Two thousand* \$ *2,000.00*

DOLLARS

State Street

State Street Bank and Trust Company  
Boston, Massachusetts 02101

040376547 02 8043948930

FOR

*State for Bill*

